

REMARKS

A three-month extension of time to reply to the office action mailed 08/01/2006 is requested. The associated fee has been paid.

Claims 2, 4-6, 14, and 15 have been amended. Claims 1, 3, 7-13, and 16-18 have been cancelled. New claims 23-30 have been added. No new matter has been added. Claims 2, 4-6, 14-15, and 23-30 are pending.

Disclaimers Relating to Claim Interpretation and Prosecution History Estoppel

Claims have been amended, and claims have been canceled, notwithstanding the belief that these claims were allowable. Except as specifically admitted below, no claim elements have been narrowed. Rather, cosmetic amendments have been made to the claims and to broaden them in view of the cited art. Claims 2, 4-6, 14 and 15 have been amended solely for the purpose of expediting the patent application process, and the amendments were not necessary for patentability.

Any reference herein to "the invention" is intended to refer to the specific claim or claims being addressed herein. The claims of this application are intended to stand on their own and are not to be read in light of the prosecution history of any related or unrelated patent or patent application. Furthermore, no arguments in any prosecution history relate to any claim in this application, except for arguments specifically directed to the claim.

Specification

The Examiner objected to the Title of the application and the first paragraph of the specification. Both have been amended as requested.

Claim Rejections - 35 USC § 102

The Examiner rejected claims 1-18 under 35 USC § 102(b) as anticipated by Cardot (US Patent 6,831,761). This rejection is respectfully traversed.

The rejection is traversed on the grounds that Cardot does not explicitly or implicitly disclose all limitations of independent claim 4. Specifically, Cardot does not disclose an A/D converter unit that converts signals into “respective first, second, and third digitized color signals each having a first number of bits” and “digitized monochrome signal having a second number of bits greater than the first number of bits” (underlines added for emphasis). To the contrary, Cardot specifically states, in paragraph [0019], “The analog to digital circuits 47a-e transmit a digitized signal corresponding to 8 bits for every pixel for every clock pulse.” FIG. 3 of Cardot shows that analog to digital circuits 47a-c are converting R, G, and B signals, and analog to digital circuits 47d-e are converting monochrome signals. Thus Cardot specifically discloses that the digitized color signals and digitized monochrome signals have the same number of bits.

Since Cardot does not explicitly or implicitly disclose the limitations “respective first, second, and third digitized color signals each having a first number of bits” and “digitized monochrome signal having a second number of bits greater than the first number of bits”, it is respectfully submitted that independent claim 4 and depending claims 2, 5-6, 14, 15, and 29 are allowable.

New independent claim 23 contains similar limitations drawn to a image reading apparatus using a plurality of monochrome signals. It is respectfully submitted that independent claim 23 and depending claims 24-28 and 30 are also allowable.

Double Patenting

The Examiner provisionally rejected the claims on the ground of nonstatutory double patenting over claims of copending application serial number 10/796,819. This rejection is traversed.

A terminal disclaimer is filed herewith to moot the rejection.

Though a terminal disclaimer has been filed, this should not be taken as a concession that the rejection was correct. To the contrary, it is believed that the cited claims are patentably distinct. The

terminal disclaimer is filed because it presents the path of least resistance. It is respectfully submitted that filing the terminal disclaimer will put the application in a condition for allowance. Thus, further delays arising from arguing the rejection are avoided, as are the considerable costs of making the arguments. This is an excellent compromise, and is the sole motivation for the terminal disclaimer.

Conclusion

It is submitted, however, that the independent and dependent claims include other significant and substantial recitations which are not disclosed in the cited references. Thus, the claims are also patentable for additional reasons. However, for economy the additional grounds for patentability are not set forth here.

In view of all of the above, it is respectfully submitted that the present application is now in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited.

The Examiner is invited to call the undersigned registered practitioner to answer any questions or to discuss steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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John E. Gunther, Reg. No. 43,649

SoCal IP Law Group LLP
310 N. Westlake Blvd., Suite 120
Westlake Village, CA 91362
Telephone: 805/230-1350
Facsimile: 805/230-1355
email: info@socalip.com